

¹ The counts set forth in the amended counterclaim and amended crossclaim filed by Gaffney BPW contain a typographical error. Two causes of action are identified as Count III. The first “Count III” is for interpleader of the cryptocurrency mining equipment. The second “Count III” is for declaratory judgment relating to the return of the deposit refund and cryptocurrency mining equipment. (ECF No. 23, pp. 34-38).

by Gaffney BPW on May 22, 2023. (ECF No. 23). Litchain has been served by publication, has not served a responsive pleading, and is currently in default, so voluntary dismissal in this manner complies with Federal Rule of Civil Procedure 41(c).

The only remaining crossclaims pending against Litchain are for declaratory judgment relating to the return of the deposit refund, also asserted as part of Count III of the amended crossclaim, and declaratory judgment finding the nondisclosure and non-circumvention agreement between Litchain and Gaffney BPW to be ultra vires, invalid, void, and/or unenforceable, asserted in Count IV. (ECF No. 23, pp. 38-41). These crossclaims remain the subject of the Rule 55(B)(2) Motion for Partial Default Judgment Against Crossclaim Defendant Litchain Corp. filed by Gaffney BPW on December 22, 2023. (ECF No. 84). Now that Gaffney BPW has voluntarily dismissed its request for declaratory judgment relating to the return of the cryptocurrency mining equipment, that claim is no longer at issue in Gaffney BPW's pending motion for partial default judgment.

Respectfully submitted,

POPE FLYNN, LLC

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By: /s/ Virginia P. Bozeman

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